IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE MR JUSTICE BILAL NAZKI

and
THE HONOURABLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No.14289 of 1990

Between:

G. Sai Prasad S/o Pullaiah, Aged 43 years,
Bus Owner, D.No.12/676, Sainagar,
Ananthapur, Ananthapur District.

..... PETITIONER

AND

1 Regional Transport Officer, Ananthapur, Ananthapur District.
2 Motor Vehicles Inspector Ananthapur, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more preferably one in the nature of Writ of Certiorari, calling for the records relating to the impugned Demand Notice of the 1st Respondent issued in his Rc.No.22627/A2/88, dt: 9-9-1990 levying and demanding a sum of Rs.4,340/- in respect of the Petitioners Stage Carriage-ATA 54, plying on the Town service route- H.L.C. Colony to Rapthadu, pursuant to the Vehicle check Report No.217527, dt: 7-11-1988 issued by the 2nd respondent herein, and quash the same.

Counsel for the Petitioner:MR.V.NARASIMHA REDDY

Counsel for the Respondent No.: SPL GP FOR TAXES

The Court made the following:

ORDER:(Per Hon'ble Mr. Justice Bilal Nazki)

It is submitted by the learned Counsel for the parties that the controversy in this matter is covered by a Full Bench decision of this Court in **Kanapala Rama Rao v. Regional Transport Officer, Srikakulam**, in which it has been held that for violation of conditions of permit, appropriate action can be taken, but the rate of tax cannot be changed.

In that view of the matter, we set aside the order of the Authority and allow the writ petition. However the respondent shall be at liberty, if so advised, to take action against the petitioner for violation of the conditions of permit in accordance with law. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY, J

Date : August 16, 2004.

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Regional Transport Officer, Ananthapur, Ananthapur District.
2 The Motor Vehicles Inspector Ananthapur, Ananthapur District.

3 Two CD copies.